

IN THE SUPERIOR COURT OF IRWIN COUNTY
STATE OF GEORGIA

RUTH SPICER,

Plaintiff,

v.

LIFESTATION, INC. and
GEORGE TELFAIR,

Defendant.

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CIVIL ACTION FILE NO.:
2014-cv-026

JUDGMENT

The above styled case having come on for hearing before this Court on the 14th day of May, 2014; the Court makes the following findings of fact and law and herewith enters judgment in favor of the Plaintiff as follows:

1.

On February 27, 2014, Plaintiff filed this action against the defendants alleging the defendant Telfair committed a violent act of assault and other crimes against Plaintiff from which Plaintiff suffered horrific physical and mental injuries. Plaintiff contends that she was a purchaser and subscriber to security services provided by the defendant LifeStation, Inc. and alleges that, before and after the attack perpetrated by the defendant Telfair, she twice alerted the defendant LifeStation, Inc. whose attendants responded but failed to summons any assistance. Plaintiff alleges that the attack perpetrated by

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Filed in Office
This 14 day of May 2014
Time 3:00 P.M.
Daguly Clerk Superior Court, Irwin County
J. B. Richards

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defendant Telfair could have been averted by timely response from the defendant LifeStation, Inc.'s employees and that she would not have suffered the physical and mental injuries had the defendant LifeStation, Inc.'s employees acted in a reasonable and prudent manner. Plaintiff seeks compensatory damages against the defendants jointly and severally and seeks punitive damages against the defendant Telfair.

2.

The record contains a return of service from the Irwin County Sheriff's office evidencing service of process of the complaint on the defendant Telfair on March 3, 2014. I find that proper service of process has been perfected on the defendant George Telfair.

3.

Plaintiff alleges in the complaint that the agent for service of process for the defendant LifeStation, Inc. is Corporation Service Company located at 40 Technology Drive, Norcross, Gwinnett County, Georgia. The record contains a return of service from the Gwinnett County Sheriff's office evidencing service of process upon the defendant LifeStation, Inc. by delivering a copy of the action and summons with Alisha Smith, R.A., coordinator for Corporation Service Company, on March 4, 2014. I find that service of process has been perfected upon the duly appointed registered

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agent for LifeStation, Inc. and, therefore, service of process was perfected upon the defendant LifeStation, Inc. on March 4, 2014.

4.

Despite the fact that the record reflects that service of process was perfected upon the defendants Telfair and LifeStation, Inc. on March 3, 2014 and March 4, 2014, respectively, the files of the Clerk of Irwin County Superior Court reflect that no answer has been filed to date by either defendant. More than forty-five (45) days have elapsed since the last defendant was served. Therefore, the defendants are in default and default judgment is hereby rendered in favor of the Plaintiff.

5.

Prior to the hearing, Plaintiff submitted a waiver of jury trial and consented to a bench trial to determine damages. The bench trial on damages was held on March 14, 2014 beginning at approximately 1:30 o'clock p.m.

6.

At the hearing to determine damages, the Plaintiff presented medical bills totaling \$ 54,824.21, medical records from Tift Regional Medical Center and Tift Wound Care Center, photographs of the Plaintiff following the attack, photographs of the Plaintiff while she was recovering from her

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physical injuries and videos of Plaintiff while in the hospital recovering from her physical injuries. The court also heard testimony from Plaintiff's family members regarding Plaintiff's physical and mental pain and suffering.

7.

The photographs show that Plaintiff suffered serious injuries to her head, arms and legs. In particular, the photographs of her arms show that the skin around the wrists was literally torn off of her body. From a viewing of the photographs and videos, it is clear that Plaintiff suffered severe pain and suffering from the physical injuries. The medical records from Tift Regional evidence the fact that, during the attack, Plaintiff suffered a heart attack requiring extensive hospitalization and medical care. The records also reflect that Plaintiff was hospitalized for over a month as the result of her injuries. Plaintiff still has scars on her body from the physical injuries and she continues to experience physical pain as the result of those injuries. Therefore, I find that the Plaintiff has experienced pain and suffering and will continue to do so into the indefinite future.

8.

Plaintiff's family members have testified as to the fear and anguish Plaintiff has suffered as the result of this attack. Prior to the attack, Plaintiff lived relatively independently and enjoyed a peaceful lifestyle. Since her

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discharge from the hospital, Plaintiff has required around the clock assistance at her home and she no longer enjoys an independent life. Considering the extent of her injuries and the violent nature of the attack she endured, I find it reasonable that Plaintiff has experienced mental pain and suffering and she will continue to do so into the indefinite future.

9.

Giving due consideration to all of the evidence of damages, I find that the Plaintiff is entitled to receive general damages as compensation for her physical pain and suffering, disfigurement and mental pain and suffering. I also find that she is entitled to receive special damages for medical expenses. Therefore, I find that Plaintiff is entitled to recover \$ 5,000,000 in compensatory damages against the defendants, jointly and severally.

10.

As to the defendant George Telfair, I find by clear and convincing evidence that the attack he committed against the Plaintiff was willful and done with a malice. Therefore, I find that punitive damages are warranted and I award \$ 500,000 in punitive damages against the defendant George Telfair, individually.

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JUDGEMENT IS THEREFORE entered against the defendants
George Telfair and LifeStation, Inc., jointly and severally, in the amount of
\$ 5,000,000 and against the defendant George Telfair,
individually, for punitive damages in the amount of \$ 500,000;
together with the costs of the Sheriff and Clerk of Court. Interest shall
accrue at the legal rate from the date of judgment.

SO ORDERED this 14th day of May, 2014.

Mel B. Cross

Hon. Melanie Cross
Superior Court of Irwin County